

## LEGAL NOTICE

(First Published in The Overbrook Citizen, April 5, 1956)

### ORDINANCE NO. 25

AN ORDINANCE GRANTING THE FRANCHISE, PRIVILEGES AND RIGHTS TO W.E.G. DIAL TELEPHONE, INC., ITS SUCCESSORS AND ASSIGNS, TO CONSTRUCT ACQUIRE, OPERATE AND MAINTAIN A TELEPHONE SYSTEM IN THE CITY OF OVERBROOK, KANSAS, AND TO USE THE STREETS, ROADS, ALLEYS, AND OTHER PUBLIC PLACES WITHIN SAID CITY FOR SUCH PURPOSES.

Be it Ordained by the Governing Body of the City of Overbrook of the State of Kansas that:

SECTION 1. W.E.G. DIAL TELEPHONE, INC. its successors and assigns (herein referred to as "Telephone Company") shall continue to operate its telephone system and all business incidental to or connected with the conducting of a telephone business and system in the City of Overbrook, State of Kansas, (herein referred to as "City"). The plant construction and appurtenances used in or incident to the giving of telephone service and to the maintenance of a telephone business and system by the Telephone Company in said City shall remain as now planned or constructed, subject to such changes as may be considered necessary by the City in the exercise of its inherent powers and by the Telephone Company in the conduct of its business, and said Telephone Company shall continue to exercise its right to place, remove, construct and reconstruct, extend and maintain its said plant and appurtenances as the business and purposes for which it is or may be incorporated may from time to time require along, across, on, over, through, above and under all the public streets, avenues, alleys, bridges, and the public grounds and places within the limits of said City as the same from time to time may be established.

SECTION 2. The Telephone Company on the request of any person shall remove or raise or lower its wires temporarily to permit the moving of houses or other structures. The expense of such temporary removal, raising or lowering of wires shall be paid by the party or parties requesting the same, and the Telephone Company may require such payment in advance. The Telephone Company shall be given not less than forty-eight hours advance notice to arrange for such temporary wire changes.

SECTION 3. Permission is hereby granted to the Telephone Company to trim trees upon and overhanging streets, alleys, sidewalks and public places of said City so as to prevent the branches of such trees from coming in contact with the wires and cables of the Telephone Com-

pany, all the said trimming to be done under the supervision and direction of any City official to whom said duties have been or may be delegated.

SECTION 4. Permission is hereby granted to the Telephone Company to make all necessary excavations in the public streets, roads, alleys, sidewalks or other public places, all in accordance with the ordinances applicable to such excavations by public utilities or others securing such permission.

SECTION 5. In consideration for the franchise, privileges and rights granted herein, the Telephone Company agrees to make available at a cost of not more than \$3.50 (Three Dollars and fifty cents) per month a fire warning service, which the City agrees to accept as adequate compensation for the said franchise, privileges and rights.

SECTION 6. Nothing in this ordinance shall be construed to require or permit any telephone, electric light, or power wire attachments by either the City or the Telephone Company, on the poles of the other. If such attachments are desired by the City or the Telephone Company, then a separate non-contingent agreement shall be a prerequisite to such attachments.

SECTION 7. Nothing herein contained shall be construed as giving to the Telephone Company any exclusive privileges, nor shall it affect any prior or existing rights of the Telephone Company to maintain a telephone system within the City.

SECTION 8. All other ordinances and agreements relating to the operation of a telephone system within said City are hereby repealed.

SECTION 9. The said Telephone Company shall have sixty (60) days from and after its passage and approval to file its written acceptance of this ordinance with the City Clerk, and upon such acceptance being filed, this ordinance shall be considered as taking effect and being in force from and after the date of its passage and approval by the Mayor, for a period of twenty years.

Approved this 4th day of April, 1956.

D. W. HOYT, Mayor

ATTEST:  
THEO. VANVALKENBURG,  
City Clerk.